



PART 2

Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Richmondshire District Council (“the Council”).

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help Councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
8. provide a means of improving the delivery of services to the community; and
9. ensure that decisions are made in accordance with principles of fairness, equality and respect for diversity and human rights.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

Article 2 - Members of The Council

2.1 Composition and Eligibility

- (a) **Composition.** The Council will comprise 34 members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission based on recommendations from the Boundary Committee of England and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the District or those living or working there will be eligible to hold the office of Councillor.

2.2 Election and Terms of Councillors

Election and Terms. The regular election of councillors will be held on the first Thursday in May every four years. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and Functions of all Councillors

- (a) **Key roles.** All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) effectively represent the interests of their ward and of individual constituents;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;
 - (v) be involved in decision-making;
 - (vi) be available to represent the Council on other bodies;
 - (vii) maintain the highest standards of conduct and ethics, showing respect for fellow Members, employees and the community; and
 - (viii) actively promote the Council's commitment to equal opportunities and diversity.
- (b) **Rights and Duties**
 - (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.
- (iii) No councillor can issue an order for works to be carried out by or on behalf of the Council and nor can he/she claim any right to inspect or enter any land unless specifically authorised to do so by the Council.

2.4 Job Descriptions

Job descriptions setting out the roles and responsibilities of the Council Chairman, Council Leader, Deputy Leader, Group Leader, Committee Chairmen, Councillors and Spokespersons will be determined and kept under review by the Council.

2.5 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution and act in accordance with the Council’s Equal Opportunities and Diversity Statement.

2.6 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

2.7 Spokespersons

The Corporate Board may appoint Spokespersons from time to time.

Article 3 - Citizens and The Council

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) **Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) see reports and background papers, and any records of decisions made by the Council, Committees or Officers; and
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate in the Council's public speaking and question time, Area Partnership meetings and contribute to investigations by Overview and Scrutiny committees. Citizens may also submit petitions under the Council's Petition Scheme.
- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme; and
 - (iii) the Council's Audit, Governance and Standards Committee about the breach of the Councillors' Code of Conduct.
- (e) **Equality and Diversity and Human Rights.** Citizens have the right to respect for their distinctive and different identities and their human rights.

3.2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

Article 4 - The Full Council

4.1 Meanings

- (a) **Policy Framework.** The policy framework is the term given to the full list of the policies and strategies adopted by the Council and maintained by the Chief Executive.
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

The Council will exercise the following functions. Those matters marked with an asterisk * are reserved to Council alone.

- (a) Approving the strategic financing of the Council upon recommendations from the Corporate Board including*:
 - determination of the Financial Strategy
 - approval of the Revenue Budget
 - approval of the Capital Programme
 - setting the Council Tax base
 - setting the Council Tax
 - determination of borrowing limits
 - utilisation of reserves
- (b) Approval of all strategic policies or plans including such plans that the Council must formulate by statute (together known as the Policy Framework)*.
- (c) Approving any application to the Secretary of State in respect of any Housing Land Transfer*
- (d) Approval of key decision matters*
- (e) Receiving the annual report from Overview and Scrutiny Committees*
- (f) Approval of the work plan for Overview and Scrutiny Committees
- (g) Adoption of the Council's constitution and any changes to it including Standing Orders, Delegations, Financial Regulations and Members' Allowances Schemes*

- (h) Confirming the appointment of Head of Paid Service*
- (i) Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them*
- (j) Appointments to Outside Bodies unless delegated to a Committee
- (k) Changing the name of the area and conferring the title of Honorary Alderman of the District of Richmondshire*
- (l) Electoral, boundary and parish issues*
- (m) Making, amending or revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills*
- (n) Urgent items
- (o) Considering matters of district wide importance
- (p) Holding the Leader, Committee Chairpersons and Spokespersons to account.
- (q) Determining any matter delegated to officers not within the remit of any committee
- (r) All other matters which by law must be reserved to Council*

4.3 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings.

They will be conducted in accordance with the Council Procedural Rules in Part 4 of this Constitution.

Article 5 - Chairing the Council

5.1 Role and Function of the Chairman

The Chairman of Council and in his/her absence, the Vice-Chairman will have the following main roles and functions:

- (a) First Citizen
- (b) Ceremonial Role
- (c) Chairing the Council Meeting and acting as the non-political Civic Head

5.2 The Chairman will be appointed by the Council annually following nomination by the appropriate Group in the following order of rotation;

- Conservatives
- Independent group(s)

The Vice Chair will be appointed following nomination from the group next in line and the Vice-Chair will succeed the Chair the following year.

5.3 During an election year, the Chairman will remain in office until the AGM following the election, even if not re-elected (without voting rights).

5.4 The Chairman will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members are able to hold the policy committees to account;
- (d) to promote public involvement in the Council's activities; and
- (e) to attend such civic and ceremonial functions as the Council and he/she determines appropriate and to participate in activities and events that promote the District and benefit the status and tradition of the role.

Article 6 - Scrutiny Committees

6.1 Terms of Reference

The Council will appoint two Scrutiny Committees, as set out in the left hand column of the table below, to discharge the functions conferred by regulations made under Section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Committee	Terms of Reference	Membership Protocols
Scrutiny Committee 1	<ol style="list-style-type: none"> 1 To consider cross-functional issues relating to the Council's services and such other functions as shown in more detail in the Functions Schedule 2 To consider relevant issues as highlighted by any of the Council's Spokespersons 	<ol style="list-style-type: none"> 1 Cannot include any Member of the Corporate Board in its membership. 2 Scrutiny Members may substitute for or be substituted by another Scrutiny Member. 3 Scrutiny Members may not be substituted by a Member of the Corporate Board. 4 Non-voting co-optees may be appointed to the Committee.
Scrutiny Committee 2	<ol style="list-style-type: none"> 1 To consider cross-functional issues relating to external matters and partnerships providing other public services and such other functions as shown in more detail in the Functions Schedule 2 To consider relevant issues as highlighted by any of the Council's Spokespersons 3 To act as the Council's Crime and Disorder Committee 	<ol style="list-style-type: none"> 1 Cannot include any Member of the Corporate Board in its membership. 2 Scrutiny Members may substitute for or be substituted by another Scrutiny Member. 3 Scrutiny Members may not be substituted by a Member of the Corporate Board. 4 Non-voting co-optees may be appointed to the Committee.

6.2 General Role

Within its terms of reference, each Scrutiny Committee will:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;

- (b) make reports and/or recommendations to the full Council and/or the Corporate Board in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants;
- (d) exercise the right to “call in”, for reconsideration, decisions made but not yet implemented by the Corporate Board in accordance with the Scrutiny Procedure rules;
- (e) consider matters referred to them Corporate Board; and
- (f) contribute to the monitoring of The Council Plan, performance and Key Performance Indicators.

6.3 Specific Functions

- (a) **Policy Development.** Within its terms of reference each Scrutiny Committee will:
 - (i) assist the Council and the Corporate Board in the development of the budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) question Members of Committees and Chief Officers about their views on issues and proposals affecting the area; and
 - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny and Review.** Within its terms of reference each Scrutiny Committee may:
 - (i) review and scrutinise the decisions made by and performance of committees and Council officers both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question members of Committees and Chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the appropriate Committee and/or Council arising from the outcome of the scrutiny process;

- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).

In deciding what reviews are to be undertaken, Members will take the following into account:

- (i) will the outcome make a difference?
 - (ii) Discussions with Management Team on reviews which can be undertaken to assist with the workload of the Council's Service areas; and
 - (iii) local views and priorities (what the community would want Scrutiny to get involved in to improve service delivery)
- (c) **Crime and Disorder.** Within its terms of reference Scrutiny Committee 2 may:
- (i) Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions
 - (ii) Make reports or recommendations to Council with respect to the discharge of those functions
 - (iii) Have at least one meeting each municipal year dedicated to scrutinising crime and disorder matters
- (d) **Finance.** Any suggested topics for future review with financial implications will be submitted first to the Audit, Governance and Standards Committee.
- (e) **Annual report.** Scrutiny Committees must submit an annual report to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate. The annual report will be monitored to ensure that the outcomes of each review undertaken have improved, or made suggestions to improve services delivery.

6.4 Proceedings of Scrutiny Committees

Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 – Corporate Board and Other Committees

Corporate Board and Other Committees

7.1 The Council will appoint the Corporate Board and Committees set out in the left hand column of the table Responsibility for Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table and the Functions Schedule.

7.2 The Leader of the Council shall be the chair of Corporate Board.

(Note: Please see Article 16 regarding the role of Corporate Board Spokespersons)

Article 8 - Standards

8.1 Audit, Governance and Standards Committee

All matters relating to ethical standards and the Members Code of Conduct shall be dealt with by the Audit, Governance and Standards Committee.

8.2 Standards Hearings Panel

- (a) The Audit, Governance and Standards Committee may establish a Hearings Panel to determine any allegations of breach of the Member Code of Conduct.
- (b) Any Standards Hearing Panel created shall comprise five Members, three elected District Members (with each Member being from a different Political Group), one co-opted non-elected Member and one co-opted Parish representative.
- (c) The Independent Person would also attend to provide views on the allocation. Only the three elected District Councillors would vote and a Chairman would be elected on the day. The Chairman would have a second and casting vote as is normal practice. It will be necessary for Full Council to waive the political proportionality rules for any proposed Panel.

8.3 Substitute Members

Substitute member are not permitted following Council decision on 12 July 2005 Minute DC25.

8.4 Role and Function

The Audit, Governance and Standards Committee will have the roles and functions as set out in the Functions Schedule in Part 3.

Note: By virtue of Council Resolution DC69 only Members of the Audit, Governance and Standards Committee who have attended a training session on determination of allegations of misconduct should be eligible to participate in a hearing dealing with such allegations.

Article 9 – Area Partnerships and Area Committees

9.1 Area Partnerships

The Council will appoint five Area Partnerships. Each will include the following wards:

Area Partnership	Wards
Central Area Partnership	Brompton on Swale and Scorton Catterick (excluding Marne Barracks) Hornby Castle Richmond (Central, East and West)
Garrison Community Partnership	Colburn Scotton Hipswell Catterick (only including Marne Barracks)
Lower Wensleydale Area Partnership	Bolton Castle Leyburn Lower Wensleydale Middleham
North Richmondshire Community Partnership	Barton Croft Gilling West Melsonby Middleton Tyas Newsham and Eppleby
Upper Dales Area Partnership	Addleborough, Hawes & High Abbotside, Penhill, Reeth & Arkengarthdale Swaledale

(NB in certain circumstances some Parishes may change membership from one Area Partnership to another, for a full list of the current Parish membership, please contact Business & Community on 01748 829100)

9.2 Composition

- (a) Membership of the Area Partnerships is drawn from the relevant District Councillors for the Area Partnership areas.
- (b) Representatives from Parish and Town Councils, partnership organisations, and members of the public are invited to attend Area Partnership meetings and will be encouraged to take part in the business of the meeting.
- (c) The Chairman and Vice-Chairman will be appointed at the first meeting of the Area Partnership Board each Civic Year.

9.3 Role and Function

To provide an opportunity to raise matters of interest with the community and to work in partnership with various local organisations, councils, businesses and residents to try and influence priorities. The Partnerships should also help to deliver locally agreed improvements that are important to communities within its area.

9.4 Principles

Members of the Area Partnerships agree to work together to achieve the aims of the Partnership on the basis of the following principles:

- Mutual trust and respect
- Openness and transparency
- Effective communication and accountability
- Removal of barriers to equality of access and opportunity
- Effective performance management

9.5 Area Committees

The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of Best Value and more efficient, transparent and accountable decision making. The Council will carry out appropriate consultation with relevant Parish Councils and the public before deciding whether, and if so how, to establish such committees.

Article 10 - Joint Arrangements

10.1 Arrangements to Promote Well Being

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

10.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more Local Authorities to exercise functions (which are not executive functions in those local authorities) in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other Local Authorities.
- (b) Details of any joint arrangements including any delegations to Joint Committee will be found in Part 3 of this Constitution - Responsibility for Functions.

10.4 Access to Information

The Access to Information Rules in Part 4 of this Constitution apply.

10.5 Delegation to and from Other Local Authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority, and also accept such a delegation from another local authority.
- (b) The decision whether or not to delegate functions or to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.6 Contracting Out

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an Order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 11 - Officers

11.1 Management Structure

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers; with the portfolios set out below:

Post	Functions and Areas of Responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Corporate Director x (3)	Assisting the Chief Executive in corporate managerial responsibilities. Fulfilling 'lead officer' roles in a number of partnerships of key significance to the Council.

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Corporate Director	Monitoring Officer
Corporate Director	Chief Finance Officer (s151 Officer)

Note: The Monitoring Officer and Chief Finance Officer will each appoint a deputy to act in their absence.

Such posts will have the functions described in Article 11.3-11.5 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall managerial structure of the Council showing the management structure and deployment of officers.

11.2 Functions of the Head of Paid Service

- (a) **Discharge of Functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on Functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring Lawfulness and Fairness of Decision Making.** After consulting with the Head of Paid service and Chief Finance Officer, the Monitoring Officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Audit, Governance and Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit, Governance and Standards Committee.
- (d) **Receiving Reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting Investigations.** The Monitoring Officer will conduct investigations into matters referred by the Audit, Governance and Standards Committee or its Standards Hearings Panel and make reports or recommendations in respect of them.
- (f) **Proper Officer for Access to Information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Providing Advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors.
- (h) **Restrictions on Posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.4 Functions of the Chief Finance Officer

- (a) **Ensuring Lawfulness and Financial Prudence of Decision Making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of Financial Affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to Corporate Management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing Advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give Financial Information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

11.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 12 - Decision Making

12.1 Responsibility for Decision Making

The Council will issue and keep up-to-date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

12.2 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers and/or appropriately qualified consultants;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) the rule of law and in accordance with the Wednesbury principles.

The Council also operates a Code of Corporate Governance, the operation of which is overseen by the Audit, Governance and Standards Committee.

12.3 Key Decisions

- (a) Decisions which are Key Decisions shall be made by a Committee and referred to Council for ratification.
- (b) A Key Decision is one which may result in a change to one or more policies of the Council, establishes a new Policy or will result in incurring revenue or capital expenditure, or the making of revenue savings, of more than 1% of the total expenditure for the budget year.
- (c) In calculating whether expenditure is at the threshold level:
 - (i) A decision which commits expenditure for more than one financial year will be aggregated to ascertain the expenditure level;
 - (ii) Where expenditure by the Council is pooled with expenditure of other agencies the aggregate figure is not to be used unless funds from partner agencies will first be paid over to the Council and may therefore properly count as expenditure of the Council.
 - (iii) Where a series of decisions is being taken on a capital project, ancillary decisions do not need to be considered Key Decisions unless the decision to progress the project cannot be made until an ancillary decision has been made and acted upon. This does not include planning permission but

does include expenditure related to applications for grant funding to support projects which would not otherwise progress.

(d) Savings are deliberate cuts in a budget, not underspends against a budget.

12.4 Decision Making by the Full Council

Subject to Article 12.7, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.5 Decision Making by Overview and Scrutiny Committees

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.6 Decision Making by Other Committees and Sub-Committees Established by the Council

Subject to Article 12.7, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

12.7 Decision Making by Council Bodies Acting as Tribunals

The Council, a Committee or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Article 13 - Finance, Contracts and Legal Matters

13.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Rules set out in Part 4 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

13.3 Legal Proceedings

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

13.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or Corporate Director/Monitoring Officer unless the Council has given the necessary authority to some other person for the purpose of such proceedings.

13.5 Common Seal of the Council

- (a) The Common Seal of the Council shall be kept in a safe place and shall be secured by two different locks.
- (b) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or a Committee or officer in relation to their delegated powers in that behalf, but a resolution of the Council (or of a Committee or officer where that Committee or officer has the power) authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate or contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
- (c) The Common Seal shall be affixed in the presence of, and be attested by, the Chief Executive or Corporate Director/Monitoring Officer.
- (d) An entry of the sealing of every deed or other document to which the Common Seal has been affixed shall be made in a book to be provided for that purpose and shall be signed by the person attesting the sealing.
- (e) Each entry in the book shall be numbered consecutively and each document sealed shall be numbered correspondingly.

Article 14 - Review and Revision of the Constitution

14.1 Duty to Monitor and Review the Constitution

The Council through the Audit, Governance and Standards Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.2 Changes to the Constitution

Significant changes to the constitution will only be approved by the full Council after consideration of the views of the Audit, Governance and Standards Committee. Minor and consequential amendments required by organisational or legislative changes may be made by a Corporate Director.

Article 15 - Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council and Committees to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 15.1:
 - The Council Procedure Rules except Rules 15.5 and 16.2
 - Financial Procedure Rules
 - Contract Procedure Rules.

15.2 Interpretation

The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.3 Publication

- (a) The Chief Executive will give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Chief Executive will ensure that copies are available for inspection at Council Offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Article 16 - Corporate Board Spokespersons - Themes

16.1 Corporate Board Spokespersons

The Corporate Board may appoint spokespersons for the Themes as listed in Schedule 3 to these Articles. The Themes or roles may be removed or added to this list by the Council.

16.2 Role of Theme Spokespersons

The role of Theme Spokespersons will be allocated by the Corporate Board and shall be as set out in the Job Descriptions in Schedule 2 to these Articles.

Article 17 – Appointments to Outside Bodies

17.1 List of Outside Bodies

The Council shall appoint Members to the Outside Bodies listed in Schedule 4 to these Articles. Bodies may be removed from or added to the list by Council.

17.2 Appointments to Outside Bodies

- (a) The Council may delegate the appointment of Members to Outside Bodies to such Committee(s) as it decides is appropriate.
- (b) If an office holder such as the Leader/Spokesperson is identified in Schedule 4, then the holder of that position will automatically be appointed to the Outside Body. If the office holder is replaced then the replacement shall be automatically appointed to the Outside Body.
- (c) Where the Council has added an Outside Body to the list in Schedule 4 under Article 17.1, it may also appoint the first appointee to that body at the next meeting of the Council.
- (d) Other vacancies will be appointed at the Annual Meeting immediately following the election of the Council. If an appointee ceases to be on the Outside Body, the Council shall appoint a replacement.

17.3 Duration of Appointment

The appointee will serve on the Outside Body until the next election of the full Council unless the governing rules of the Outside Body determine a different period.

Schedule 1: Description of Alternative Arrangements

The following parts of this Constitution constitute the alternative arrangements:

- (a) Article 6 (Overview and Scrutiny Committees) the terms of reference for the Overview and Scrutiny Committees set out in Part 3 and the Overview and Scrutiny Procedure Rules; and
- (b) Article 7 the Corporate Board and Committees and the terms of reference for them as set out in Part 3.

Schedule 2: Roles and Responsibilities of Members

The roles and responsibilities of the following Members are contained in the following job descriptions

1. Councillor
2. Council Leader
3. Council Deputy Leader
4. Group Leader
5. Corporate Board Spokesperson
6. Committee Chairman - Planning, Scrutiny, Licensing, Audit, Governance and Standards Committees
7. Committee Vice-Chairman - Planning, Scrutiny, Licensing, Audit, Governance and Standards Committees
8. Chairman of the District Council



JOB DESCRIPTION

Job Title	Councillor
Date	May 2011

Main purpose of job:

To represent the whole community as well as a particular ward and to be involved in the Council's decision making processes.

Range of duties and responsibilities:

Responsible for:

1. Together with other Councillors, being the ultimate policy makers of the Council and an advocate of those policies within the community.
2. Representing the community and bringing community views into the Council's decision making process.
3. Together with other Councillors, acting as the employer of the Council's workforce.
4. Balancing different interests identified within their Ward and Richmondshire as a whole.
5. Dealing with individual casework and acting as an advocate for constituents in resolving particular concerns or grievances.
6. Being involved in decision making both at Council, Corporate Board or Committees.
7. Representing the Council on other bodies as required.
8. Attending Area Partnership meetings and linking with Parish Councils in their Ward.
9. Promoting public involvement in the Council's activities.

Personal Accountability for:

1. "Owning" the vision and ambitions of the Council to ensure community wellbeing for the whole district, and communicating these to residents.
2. Maintaining the highest standards of conduct and ethics and showing respect to fellow Councillors, employees and the community.
3. Actively participating in the Member Learning and Development Programme.
4. To be an ambassador for the Council.



JOB DESCRIPTION

Job Title	Council Leader
Date	May 2011

Main purpose of job:

To provide political leadership in the overall co-ordination of Council policies, strategy and service delivery.

Range of duties and responsibilities:

Responsibility for:

1. Ensuring that the Council has sufficient strategic plans and policies in place to give a clear direction to the work of the Council.
2. Providing leadership in the overall co-ordination of Council policies, strategy and service delivery.
3. Promoting and representing the Council and the interests of the District at local, regional and national level within and beyond the boundaries of Richmondshire.
4. Leading the Council's search for Best Value and continuous improvement.
5. Representing and explaining Council policies and being an advocate of those policies within the community.
6. Representing the Council on approved bodies or organisations in which the Council has an interest.
7. Making a statement at scheduled meetings of the Council and responding to questions from other Councillors.
8. To work closely with the Chief Executive and Councils Senior Management Team.

Personal Accountability for:

1. "Owning" the vision and ambitions of the Council to ensure community wellbeing for the whole district.
2. Securing the resources required to ensure the Council Plan objectives are delivered and to realise the benefits for the community.
3. Ensuring that the aims of the Council Plan objectives are reviewed and continue to be aligned with evolving business needs and local and national priorities.



JOB DESCRIPTION

Job Title	Council Deputy Leader
Date	May 2011

Main purpose of job:

To contribute to the provision of leadership in the overall co-ordination of Council policies, strategy and service delivery and to deputise for the Leader in his/her absence.

Range of duties and responsibilities:

Responsible for:

1. Deputising for the Leader in his/her absence or as requested.
2. Contributing to the provision of political leadership in the overall co-ordination of Council policies, strategy and service delivery.
3. Promoting and representing the Council and the interest of the District at local, regional and national level.
4. Contributing to the Council's search for Best Value and continuous improvement.
5. Representing and explaining Council policies and being an advocate of those policies within the community.
6. Representing the Council as required, on approved bodies or organisations in which the Council has an interest.
7. In the absence of the Leader, making a statement at scheduled meetings of Council and responding to questions from other Councillors.
8. To work closely with Chief Executive and Councils Senior Management Team.

Personal Accountability for:

1. "Owning" the vision and ambitions of the Council to ensure community wellbeing for the whole district.
2. Supporting the Leader in securing the resources required to ensure the Council Plan objectives are delivered and to realise the benefits for the community.
3. Ensuring that the aims of the Council Plan objectives are reviewed and continue to be aligned with evolving business needs and local and national priorities.



JOB DESCRIPTION

Job Title	Group Leader
Date	May 2011

Main Purpose of Job:

To lead a group within the Council and to manage the work of Members within that group.

Range of Duties and Responsibilities

Responsible for:

1. Acting as the principal spokesperson for a group of which he/she is Leader and as a representative of the Authority to external bodies and the organisations as appropriate.
2. Commenting, challenging and reviewing the Council's performance in the co-ordination and implementation of its policies and procedures.
3. Developing group policies that are credible and could be implemented by the Council.
4. Championing Member development and managing the personal development of group Members.
5. Advising the Leader of the Council of the group's position on issues.
6. Where appropriate, acting as an ambassador for the Council.
7. Participating in the development of corporate strategies and policies.

Personal accountability for:

1. Providing political leadership to the group and managing the tensions between the political demands and expectations of the group, and the needs of the Council.
2. Building effective relationships with other parts of the political management structure, e.g. Full Council, Corporate Board and Scrutiny, and other political groups.



JOB DESCRIPTION

Job Title	Corporate Board Spokesperson
Date	May 2011

Main Purpose of Job:

To work as a member of the Corporate Board, and act as the Spokesperson for an allocated Council Theme or Priority

Range of Duties and Responsibilities

Responsible for:

1. Working as a member of the Corporate Board including making collective decisions in accordance with the following principles
 - working on a cross Group and proportionate basis
 - supporting the principle of collective responsibility
 - supporting the principle of accountability
 - developing working relationships of trust and respect
 - acting as one body
 - ensuring appropriate consultation and levels of involvement within and outside the Corporate Board membership
 - ensuring the free flow of information
 - working corporately, focusing on strategic and not operational issues.
2. Acting as the Spokesperson for an allocated Council Theme or Priority and taking a particular interest in the relevant aspects of the business of the Council in connection with the theme or priority.
3. Maintaining an understanding and assisting the Corporate Board with particular insights in relation to the theme or priority
4. Meeting regularly with the Lead officer.
5. Attending the relevant Performance Clinic which includes the officer team for the relevant theme or priority, and other Members.
6. Communicating with other Members on the relevant theme or priority as well as developing specific links to the relevant Overview and Scrutiny Committee, attending meetings where appropriate.
7. Representing the Council on those organisations specified in the "Representatives on Strategic Partnerships and Outside Bodies" list, as well as any others agreed.
8. Producing an end of year report to Council updating Members on the actions and issues looking back over the past year.

Note: The role does not convey any individual decision making powers



JOB DESCRIPTION

Job Title	Committee Chairman –Planning, Scrutiny, Licensing, Audit, Governance and Standards Committees
Date	May 2011

Main Purpose of Job:

To preside impartially over meetings of the [...] Committee and to promote the work of the [...] Committee both internally and externally.

Range of Duties and Responsibilities

Responsible for:

1. Presiding over meetings of the Committee so that its business can be carried out efficiently and with regard to the rights of Councillors and officers as defined by the Council's Constitution.
2. Ruling on points of order and interpretation of the Council's Constitution.
3. Determining requests for items of the business to be dealt with as urgent Committee business.
4. Promoting public involvement in the Council's activities.
5. Preparing and presenting to Council a report of the Committee's activities and responding to questions from Councillors.
6. Representing as required to the media those Council Policies and decisions within the remit of the Committee.
7. Convening Special Meetings of the Committee.
8. Giving views on delegated decisions by officers where consultation with the Chairman is required by the Council's Constitution or considered appropriate by the relevant Corporate Director or Manager.
9. Attending briefing meetings with Corporate Directors and Managers on policy, legislation, initiatives, projects and other matters within the remit of the Committee to ensure performance in accordance with Council's corporate objectives and priorities.
10. Working with members of partner organisations with an interest and stake in the Committee's business.
11. Accounting, when requested, to the appropriate Scrutiny Committee in respect of the work of the Committee.

Personal accountability for:

1. Managing the successful delivery of the Committee's business.
2. Ensuring the linkages are maintained between the Committee's business and the Council's Corporate Objectives and Priorities.



JOB DESCRIPTION

Job Title	Committee Vice-Chairman –Planning, Scrutiny, Licensing, Audit, Governance and Standards Committees
Date	May 2011

Main Purpose of Job:

To support and work with the Chairman and to preside impartially over meetings of the [...] Committee in the absence of the Chairman of the Committee and to promote the work of the [...] Committee both internally and externally.

Range of Duties and Responsibilities:

In the absence of the Chairman of the Committee responsible for:

1. Presiding over meetings of the Committee so that its business can be carried out efficiently and with regard to the rights of Councillors and officers as defined by the Council's Constitution.
2. Ruling on points of order and interpretation of the Council's Constitution.
3. Determining requests for items of the business to be dealt with as urgent Committee business.
4. Preparing and presenting to Council a report of the Committee's activities and responding to questions from Councillors.
5. Representing as required to the media those Council Policies and decisions within the remit of the Committee.
6. Convening Special Meetings of the Committee.
7. Giving views on delegated decisions by officers where consultation with the Chairman is required by the Council's Constitution or considered appropriate by the relevant Corporate Director or Manager.

Also responsible for:

8. Attending briefing meetings with Corporate Directors and Managers on policy, legislation, initiatives, projects and other matters within the remit of the Committee to ensure performance in accordance with Council's corporate objectives and priorities.
10. Working with members of partner organisations with an interest and stake in the Committee's business.
11. Accounting, when requested, to the appropriate Scrutiny Committee in respect of the work of the Committee.

Personal accountability for:

1. Supporting the Chair in managing the successful delivery of the Committee's business.
2. Ensuring the linkages are maintained between the Committee's business and the Council's Corporate Objectives and Priorities.



JOB DESCRIPTION

Job Title	Chairman of the District Council (NB the Vice Chair whilst supporting the Chairman would also act in his/her absence)
Date	May 2011

Main Purpose of Job:

- To be the Civic Head of the Council.
- To be an ambassador for and represent the Council at community, business and social events.
- To promote the District to business and other interests, at local, regional, national and international level.
- To chair Full Council meetings so that its business can be carried out efficiently and with regard to the rights of Councillors and officers as defined by the Council's Constitution.

Range of duties and responsibilities:

Responsible for:

1. To Chair all Full Council meetings.
2. To understand the Constitution, the structure of the Authority and the roles and responsibilities of Officers.

Schedule 3: List of Corporate Board Spokesperson Roles

Service Area	Remit	No. of Spokespersons
Resources/ Internal Council	Business Support; Revenues & Benefits; Finance; ICT; Human Resources; Performance & Improvement; Procurement; Risk Management; Asset Management; Internal Audit; Customer Services	Two
Strategy & Regulatory	Planning; Planning Policy; Building Control; Climate Change & Sustainable Development; Affordable Housing; Economic Development; Tourism; Business & Community Engagement; Environmental Health including Licensing; Private Sector and Housing Strategy; Democratic Services including Elections; Admin Buildings; Communications; Legal; Land Charges	Two
Operational	Housing Landlord Services; Waste; Recycling & Street Cleaning; Fuel Poverty, Decent Homes and Homelessness; Business & Community; Open Spaces; Safeguarding; Leisure; Culture; Car Parking; Public Conveniences Area Partnerships; Community Opportunities Fund; Community Safety; Playparks Improvement Fund; Older People and Rural Issues	Two

Schedule 4: List of Outside Bodies

Name of Outside Body/ Role of Nominee	No. of Reps	Representative/ Designation
Catterick Leisure Centre Stakeholder Board	1	Corporate Board Spokesperson for Strategy & Regulatory
Community First Yorkshire (formerly Rural Action Yorkshire)	1	Council appointment
District Councils Network Assembly	1	Leader
Hambleton & Richmondshire Citizen's Advice Bureau Trustee Board (<i>Board Director</i>)	1	Corporate Board Spokesperson for Strategy & Regulatory
LEADER	1	Corporate Board Spokesperson for Strategy & Regulatory
Local Government Association	1	Leader
Local Government North Yorkshire and York	1	Leader
Local Government North Yorkshire and York Spatial Planning and Transport Board	1	Corporate Board Spokesperson for Strategy & Regulatory
Local Government York, North Yorkshire and East Riding Housing Board	1	Corporate Board Spokesperson for Operational Services
National Park Management Plan Steering Group	1 (4 year term)	YDNPA appointees
North Yorkshire Building Control Partnership Members Board	1	Corporate Board Spokesperson for Strategy & Regulatory
North Yorkshire County Council Health & Wellbeing Board	1	1 representative for all of North Yorkshire (appointed by ballot)
North Yorkshire County Council Scrutiny of Health Committee	1	Scrutiny Member from O&S Cttee 2
North Yorkshire Forum for Older People	1	Corporate Board Spokesperson for Operational Services
North Yorkshire Local Transport Body (<i>Non-voting advisory appointment</i>)	1	Corporate Board Spokesperson for Strategy & Regulatory
North Yorkshire Police & Crime Panel	1 (4 year term)	Politically proportionate based on panel membership
Parking and Traffic Regulation Outside London (PATROL) Adjudication Committee	1	Council appointment

Richmondshire Leisure Trust Board (<i>Board Director</i>)	1	Council appointment
Richmondshire Sports	5	Council appointment
Rural Services Network (SPARSE)	1	Council appointment
Safer Richmondshire Steering Group	1	Corporate Board Spokesperson for Strategy & Regulatory
Swale & Ure Drainage Board	1	Council appointment
Swale Home Improvement Agency	1	Council appointment
Welcome to Yorkshire	1	Corporate Board Spokesperson for Strategy & Regulatory
York and North Yorkshire Waste Partnership	1	Corporate Board Spokesperson for Operational Services
York, North Yorkshire and East Riding Local Enterprise Partnership	1	LA Leader representative for Craven, Hambleton & Richmondshire
York, North Yorkshire and East Riding Local Enterprise Partnership Infrastructure Board	1	Leader
Yorkshire and Humber (Local Authorities) Employers Association	1	Council appointment
Yorkshire Dales National Park Authority	2 (4 year term)	Government guidance states it should be a "consideration" by the appointing body that the appointees ward falls within or partly within the NPA